

Application No.: 10/657,237Docket No.: 300200017-2REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-20 are pending.

Claims 1-20 are patentable over Deshpande (U.S. Application Publication 2003/0003933) in view of Overby, Jr. et al. (U.S. Patent 6,785,729)

The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Overby is hereby traversed for at least five reasons.

The PTO admits, as identified in Applicants' prior response of September 30, 2005, that Deshpande fails to disclose at least "verifying the trustworthiness of the provider of the service with a party independent from said provider" and "on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider." The PTO attempts to cure the noted deficiencies of Deshpande by combining Deshpande with Overby; however, Overby fails to cure the noted deficiencies and withdrawal of the rejection is respectfully requested.

Overby fails to verify the trustworthiness of the service provider

First, claim 1 is patentable over Deshpande in view of Overby as the claimed subject matter recites "verifying the trustworthiness of the provider of the service" which is not found in either reference. Specifically, Overby fails to disclose verifying the trustworthiness of the service provider.

In contrast with the claimed subject matter, Overby describes authentication of a user with respect to a network node, e.g., "a security authorization step has been inserted . . . to avoid the presentation to the user of any chance of logging on if the user is not certified to be entitled to logon," "verifies from the certificate that the user is entitled to receive a logon screen," and "is used to verify that the user is at least entitled to access the system." Overby at column 3, lines 10-11, lines 33-34, and 35-36 (emphasis added). Overby describes verification of the user and

Application No.: 10/657,237Docket No.: 300200017-2

not the system to which the user is attempting to access. For at least this reason, withdrawal of the rejection is respectfully requested.

Overby fails to verify the trustworthiness with a party independent from the service provider

Second, claim 1 is patentable over Deshpande in view of Overby as the claimed subject matter recites "verifying the trustworthiness of the provider of the service with a party independent from said provider" which is not found in either reference. Specifically, Overby fails to disclose verifying the trustworthiness of a provider with a party independent from said provider.

The Office Action fails to explicitly set forth on which elements of Overby the PTO believes the method limitations to read. Applicants assume that the PTO is asserting that the RACF 213 and step 211 of FIG. 2 of Overby are being applied as evidence of verifying trustworthiness. In contrast with the claimed subject matter, Overby fails to describe that the RACF and/or step 211 of Overby are performed by/with a party independent from the provider of the service. In fact, the RACF is described as being a subcomponent of the system to which the user is attempting access. Overby at column 2, lines 14-21.

Further, the RACF functionality is relied on by the server 102 and not the user at client 100. "RACF 213, in response to a request from the TN 3270 server, verifies from the certificate that the user is entitled to receive a logon screen or an application menu." Overby at column 3, lines 33-35. In fact, Overby describes a more direct coupling between the server 102 and the RACF 213, e.g., the "server 102 . . . makes a second call" of the RACF. Overby at column 3, lines 54-55. The RACF of Overby is not a party independent from the service provider, i.e., TN 3270 server 102. For at least this reason, withdrawal of the rejection is respectfully requested.

Application No.: 10/657,237

Docket No.: 300200017-2

Overby fails to provide a confirmation that the service provider is authenticated

Third, claim 1 is patentable over Deshpande in view of Overby as the claimed subject matter recites "on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated" which is not found in either reference. Specifically, Overby fails to disclose providing a confirmation that the service provider is authenticated.

In contrast with the claimed subject matter, Overby describes providing a confirmation that a verification that a network user is entitled to access a network node without providing any confirmation to the user indicating authentication of the provider of the service. As described in Overby, "[i]f there is no user identification associated with the certificate, step 310 returns a deny service code to the TN3270 server. If the mapping was successful, step 308 returns the user identification to the TN3270 server 102." Overby at column 3, lines 49-53 (emphasis added).

Further, Overby describes performing a determination of whether a user is authorized to access a server, but fails to describe verifying the trustworthiness of the service provider. "Step 402 initially determines if the user identification is on an access list associated with the resource name." Overby at column 3, lines 61-63. "RACF 213 . . . verifies from the certificate that the user is entitled to receive a logon screen. . . . In other words, RACF 213 is used to verify that the user is at least entitled to access the system." Overby at column 3, lines 33-37. Thus, Overby describes determining whether a user is authenticated to access the server without verifying trustworthiness of the system to which the user is attempting to access. For at least this reason, withdrawal of the rejection is respectfully requested.

Application No.: 10/657,237Docket No.: 300200017-2**Overby fails to provide authentication by a cellular communications service provider**

Fourth, claim 1 is patentable over Deshpande in view of Overby as the claimed subject matter recites "on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider" which is not found in either reference. Specifically, Overby fails to disclose providing authentication by a cellular communications service provider.

In contrast with the claimed subject matter, Overby describes authentication being performed by a subcomponent of server 102, i.e., RACF 213, and fails to describe any authentication being performed by a cellular communications service provider. Overby at column 2, lines 14-18. In fact, Overby fails to describe a cellular communications service provider at all. Further, the combination of Overby with Deshpande would not suggest using a cellular communications service provider to perform the authentication functionality of Overby for at least the reasons advanced above. For at least this reason, withdrawal of the rejection is respectfully requested.

Deshpande is not combinable with Overby

Fifth, the PTO asserts that a person of ordinary skill in the art at the time of the present invention would be motivated to combine Deshpande with Overby "in order to provide the user authorization in a network and specifically to the user authorization in such a way that access to a logon screen or menu is avoid[ed] (sic) until after the user has been authorized to logon." Official Action mailed December 15, 2005 at final sentence bridging from page 3 to page 4. This is incorrect.

"When an obviousness determination is based on multiple prior art references, there must be a showing of some 'teaching, suggestion, or reason' to combine the references." Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). Ecolchem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000) ("Although the suggestion to combine references may flow from the nature of the problem, '[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.'" (internal citation omitted) (quoting Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139

Application No.: 10/657,237Docket No.: 300200017-2

F.3d 877, 881 (Fed. Cir. 1998))) The PTO has failed to make such a showing supporting the applied combination of references and therefore the applied combination of references is improper. The PTO is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 1 should be withdrawn.

Based on the foregoing, claim 1 is patentable over the combination of Deshpande with Overby and the rejection should be withdrawn.

Claims 2-9 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over Deshpande in view of Overby for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-9 is in order.

Claim 10 is patentable over Deshpande in view of Overby

Independent claim 10 is patentable over Deshpande in view of Overby as the asserted combination of references fails to disclose authenticating the service providers as claimed in the subject matter of claim 10. As described above with respect to claim 1, there is no disclosure of authenticating service providers in Deshpande or Overby.

Further, similar to the fourth point advanced above with respect to claim 1, there is no disclosure of authentication of service providers by a cellular telecommunications provider. For either of the foregoing reasons, claim 10 is patentable over Deshpande in view of Overby and withdrawal of the rejection is in order.

Claims 11-13 and 18 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over Deshpande in view of Overby for at least the reasons advanced above with respect to claim 10. Withdrawal of the rejection of claims 11-13 and 18 is in order.

Claims 14 and 15 are patentable over Deshpande in view of Overby

Independent claims 14 and 15 are patentable over Deshpande in view of Overby for at least reasons similar to those advanced above with respect to claim 10 and withdrawal of the rejections is in order.

Application No.: 10/657,237**Docket No.: 300200017-2**

Claims 16-17 and 19-20 depend, either directly or indirectly, from claim 15, include further important limitations, and are patentable over Deshpande in view of Overby for at least the reasons advanced above with respect to claim 15. Withdrawal of the rejection of claims 16-17 and 19-20 is in order.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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